IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 1ST JANUARY 2007 / 11TH POUSHA, 1928

Bail Appl..No. 7645 of 2006()

AGAINST THE ORDER IN BA.6903/2006 Dated 28/11/2006
CRIME NO.192/06 OF VELLATHOOVAL POLICE STATION

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PETITIONERS/2ND ACCUSED

SHAJI, S/O. CHANDRAN, AGED 25 YEARS,
CHIYARATHIL, POST. SUKAPURAM,
(VIA)EDAPPAL, MALAPPURAM.

BY ADV. SRI.BIJU M.JOHN

RESPONDENT:

STATE OF KERALA, REP. BY
SUB DEPUTY SUPERINTENDENT OF POLICE,
C.B.C.I.D., THODUPUZHA, IDUKKI DISTRICT,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY DGP SHRI P.G.THAMPI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 7645 OF 2006

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DATED THIS THE 1st DAY OF JANUARY, 2007

O R D E R

Petitioner who is the 2nd accused (originally 3rd accused) in Crime NO.192/06 of Vellathooval Police Station initially registered under the caption 'man missing' and subsequently registered as Crime No.206/06 under the caption 'unnatural death' and subsequently altered into one for offences punishable under sections 366, 376 and 511 of 376 read with section 34 IPC, seeks bail. The petitioner surrendered before the Magistrate concerned on 13.11.2006 and was remanded to judicial custody, where he continues.

2. Adv.Shri P.G.Thampi, the Director General of Prosecution opposed the application.

3. Even though the investigation of the case reveals the prurient exploits of sex hungry animals in human form who had exploited the poverty and flesh of a 17 year old girl who eventually decided to end her life by committing suicide, having regard to the actual role played by the petitioner herein, I am inclined to grant bail to the petitioner, but subject the conditions

safeguarding the interest of the prosecution.

4. Sandhya, the deceased left her home on 16.10.2006. while the first accused Sajeesh had ravished the girl on 17.10.2006 under the pretext of deep love with her and concealing the fact that he was already married and having a child, the role of the petitioner starts only on 20.10.2006. On that day, the petitioner and the second accused Mujeeb had rendered help to the deceased for her stay in Kumarson's Lodge at Edappal. While she was in the room in that lodge at a time when the second accused Mujeeb had left the room, the petitioner made a lascivious overture at the girl who resisted the same and the second accused Mujeeb joined her after sending away Shaji the petitioner. Having regard to this solitary role of the petitioner and having regard to the fact that the petitioner never stayed with the girl even for a night and considering the fact that the petitioner has been in custody since 13.11.2006, I am inclined to enlarge the petitioner on bail.

Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.20,000/= (Rupees Twenty Thousand only) with two solvent sureties each for the like

amount to the satisfaction of the J.F.C.M., Adimaly and subject to the following conditions.

1. The petitioner shall report before the Deputy Superintendent of Police, CBCID, Thodupuzha between 9AM and 11 AM on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE

dsn